Mr. DEPUTY SPEAKER.—This matter will have to be dealt with by the Speaker.

Sri H.S. SIDDAPPA.—On a point of order Sir, whether it is the privilege motion or the Half-an-hour discussion that is tabled by Members, is it incumbent on the part of the Chair to take it up for consideration under the guidance and direction of the Minister ? That is my point of order.

Sri AZEEZ SAIT.—I have a right to represent to the Chair as a Member. I am first a Member and then a Minister. I know my limitations. I am not here to direct Hon'ble Chair. I have only made a submission to the Hon. Chair. I do not know how the Hon'ble Member can say I am directing the Chair. It is only my humble submission to the Chair.

Mr. DEPUTY SPEAKER.—Mr. Siddappa is imputing too many things to too many members. I have referred to the Half-an-hour discussion and said that under what circumstance, we cannot take it up today. The Hon'ble Minister said something about the privilege motion. I have said it is a matter to be decided by the Speaker. The Minister has a right to make submissions to the Chair and seek clarifications. The decisions are always that of the Chair and no body else's. Therefore there is no point of order and there is absolutely no force in the point of order.

The House stands adjourned to 1.00 p.m. tomorrow.

The House adjourned at six of the clock to meet again at one of the clock Thursday 17th May 1973.

ANNEXURE

THE RENUKA YELLAMMA DEVASTHANA (ADMINISTRATION) BILL, 1973.

(L.A. Bill No. 35 of 73)

A Bill to provide for the administration and control of Sri Renuka Yellamma Devasthana in Saundathi.

Whereas it is expedient to provide for the administration and control of Sri Renuka Yellamma Devasthana in Saundathi in the Belgaum district;

Be it enacted by the Mysore State Legislature in the Twenty-fourth Year of the Republic of India as follows :—

CHAPTER I

Priliminary

1. Short title and commencement.— (1) This Act may be called the Renuka Yellamma Devasthana (Administration) Act, 1973.

(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. Application of the Act.—Notwithstanding anything contained in the Bombay Public Trusts Act, 1950 (Bombay Act XXIX of 1950) or any other law or any decree, scheme, order or direction passed, framed, made or issued by any court or officer or authority, the provisions of this Act shall apply to the administration and control of Sri Renuka Yellamma Devastana in Saundathi in the Belgaum district of the State of Mysore.

3. Definitions.—In this Act, unless the context otherwise requires,—

(1) "Board" means the Board of Trustees of the Devasthana, established under Section 4;

(2) "Commissioner" means the Commissioner for Religious and Charitable Endowments for the State of Mysore;

(3) "Court" means the District Court having jurisdiction over the area in which the Devasthana is situated;

(4) "Devasthana" means the Sri Yellamma *alias* Renuka Devasthana in Saundathi and includes the other temples, buildings and premises described in the Schedule and all other endowments and properties in the name of and vesting in the said Devasthana;

(5) "endoments" means all properties belonging to or endowed for the support of the Devasthana, for the performance of any service or charity connected therewith, and includes any offerings made to the idols in any temple of the Devasthana ;

(6) "Executive Officer" means the Executive Officer appointed under section 12 ;

(7) "member" means a member of the Board ;

(8) "person having interest" means a person who is entitled to attend at the performance of worship or service in the Devasthana and includes the Commissioner, the Board and the Executive Officer ;

(9) "prescribed" means prescribed by rules made under this Act ;

(10) "pujari" means a person who render the customary worship or service to the main deity and the other minor deities ;

(11) "schedule" means a schedule to this Act ;

(12) "sevakari" means a person rendering customary service to the Devasthana ;

(13) "specific endowment" means any property endowed or money invested for the performance of any particular service or any particular charity connected with the Devasthana ;

(14) "year" means the year commencing on the first day of July.

CHAPTER II

The Board and the Executive Officer.

4. Establishment of the Board.— (1) There shall be established a Board of Trustees for the administration of the Devasthana consisting of a Chairman and not more than six other members, who shall be persons professing the Hindu religion, appointed by the State Government.

(2) Every member including the Chairman, shall hold office for a period of three years, unless within that period he has resigned or has otherwise ceased to be a member.

5. Disqualifications for appointment as member.— A person shall be disqualified for being appointed as or for being a member, if he—

(a) is an undischarged insolvent, or

(b) is of unsound mind and stands so declared by a competent court; or

(c) has, directly or indirectly by himself, by his wife or son or by any partner, any share or interest in any subsisting contract or employment with by or on behalf of the Board; or

(d) is employed as a paid legal practitioner on behalf of or as a legal practitioner against the Devasthana; or

(e) has been convicted of an offence under the Untouchability (Offences) Act, 1955 or of an offence which, in the opinion of the State Government, involves moral turpitude and such conviction has not been set aside; or

(f) holds any office of profit under the Board or the Devasthana or is a person in receipt of any emolument or perquisite from the Devasthana; or

(g) has not completed twenty-five years of age; or

(h) does not profess the Hindu religion.

6. Removal or suspension of a member.— (1) The State Government may, after such inquiry as may be necessary, remove from office the Chairman or any other member if he—

(a) refuses to act; or

(b) has become incapable of acting; or

(c) has abused his position in the Board; or

(d) fails without sufficient reasons to attend three consecutive meetings of the Board, and such absence has not been condoned by the Board; or

(e) has since his appointment incurred any disqualification referred to in section 5; or

(f) is otherwise unsuitable to continue in the Board.

(2) No order of removal under sub-section (1) shall be made unless the member concerned has been given an opportunity of being heard :

Provided that a member may be suspended by the State Government pending an enquiry against him.

7. Resignation.— A member may by writing addressed to the State Government tender his resignation and if it is accepted by the State Government he shall cease to be a member from the date of such acceptance.

8. Vacancy in the office of members.— Where a vacancy in the office of a member has arisen due to death, resignation or any other cause, the State Government shall appoint another person in his place and such person shall hold office for the residue of the term of office of the member in whose place he is appointed.

9. Meetings of the Board.— The Board shall meet at such time and at such place and shall conduct its business in such manner as may be prescribed.

10. Members not entitled to remuneration.— No member of the Board shall receive or be paid any salary or other remuneration from the funds of the Devasthana except such travelling and daily allowances as may be prescribed.

11. Powers and duties of the Board.— Subject to the rules made under this Act, the powers and duties of the Board shall be,—

(a) to administer the affairs of the Devasthana and to keep the Devasthana in proper order and good repairs;

(b) to organise and regulate periodical functions at the Devasthana;

(c) to fix, subject to such conditions as the Commissioner may impose, fees for the performance of archanas or any service or ritual or ceremony and to determine what portion, if any, of such fees shall be paid to the pujaris or servants of the Devasthana and to fix, from time to time, the emoluments or perquisitives attached to the office of the pujaris or servants of the Devasthana having regard to its financial position and to commute such emoluments and perquisites in terms of money;

(d) to do such other acts as may be prescribed and as are incidental or conducive to the efficient administration of the affairs of the Devasthana.

12. Appointment of salaried Executive Officer and other staff.— (1) The State Government shall appoint a salaried Executive Officer and such number of other officers as it considers necessary to assist him on such remuneration as may be fixed by it and shall have power to suspend, remove or dismiss any of them from office or impose such penalty after following such procedure as may be prescribed.

(2) The Executive Officer and the other officers appointed under sub-section (1) shall be persons professing the Hindu religion and shall cease to hold office when they cease to profess the same.

(3) The Executive Officer and the other officers appointed by the State Government shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

13. Powers and duties of Executive Officer and other officers.— (1) Subject to such conditions and restrictions as may be laid down by the State Government either in the rules or in any general or special order and subject to the general control of the Board, the Executive Officer—

(a) Shall have power to manage the institutions, properties and affairs of the Devasthana;

(b) shall be responsible for the proper custody of all the properties, records, jewels, moneys, funds and other valuables belonging to the Devasthana; and

(c) shall arrange for the proper collection of the income of and for the incurring of expenditure for the Devasthana.

(2) The Executive Officer may, in cases of emergency, direct the execution of any work or the doing of any act which is not provided for in the budget for the year and the immediate execution or the doing of which is, in his opinion, necessary for the preservation of the properties of the Devasthana, for the service of safety of the pilgrims resorting thereto and may direct that the expenses of executing such work or the doing of such act shall be paid from the funds of the Devasthana :

Provided that the Executive Officer shall report forthwith to the Board any action taken by him under this subsection and the reasons therefor.

(3) The Executive Officer may delegate any of the powers conferred or duties imposed on him by or under this Act to any other officer appointed under section 12 to assist him, subject to such restrictions and control as the State Government may by general or special order, lay down and also subject to such limitations and conditions, if any, as may be specified in the order of delegation.

(4) The Board may delegate to the Executive Officer such of its powers, duties or functions as may be prescribed.

14. Appointment and punishment.— (1) All appointments of pujaris and other servants of the Devasthana shall be made in accordance with the rules made under this Act.

(2) The power and the procedure to be followed to punish the pujaris and other servants shall be subject to such terms and conditions as may be prescribed.

15. Suits and other legal proceedings by or against Devasthana.— In all suits and other legal proceedings by or against the Devasthana, the pleadings shall be signed and verified by the Executive Officer and all processes in such suits and proceedings shall be issued to or served on the Executive Officer.

16. Dissolution of the Board.— (1) If at any time it appears to the State Government that the Board has failed to perform its functions or has exceeded or abused any of the powers conferred upon it by or under this Act, the State Government may communicate the particulars thereof to the Board, requiring it to remedy the same, within such time as may be specified and if the Board fails to remedy such defect, excess or abuse or to give a satisfactory explanation therefor within the time specified, the State Government may by order dissolve the Board.

(2) Where the Board has ceased to function after the expiration of its term or where the Board has been dissolved under sub-section (1), the State Government may, for reasons to be recorded in writing, appoint a specified authority and cause any or all the functions to be performed by such specified authority for such period, not exceeding one year as it may think fit. A new Board shall be re-constituted by the State Government before the expiry of the said period of one year in accordance with this Act.

CHAPTER III

Commissioner

17. Power of Commissioner to call for records and pass orders.— (1) The Commissioner may call for and examine the records of the Board or the Executive Officer in respect of any proceeding under this Act (not being a proceeding in respect of which a suit or an appeal to a court is provided by this Act) to satisfy himself as to the regularity of such proceeding or the correctness, legality or propriety of a decision or order passed therein.

(2) If it appears to the Commissioner that the decision or the order should be modified, reversed or remitted for reconsideration, he may pass orders accordingly.

(3) The Commissioner shall not pass any order affecting any party under sub-section (2) without giving him an opportunity of being heard.

(4) The Commissioner may stay the execution of any decision or order of the nature referred to in sub-section (1) pending the exercise of his powers under sub-section (2).

18. Other powers of the Commissioner.— Subject to the provisions of this Act, the administration of the Devasthana shall be subject to the general superintendence and control of the Commissioner and such superintendence and control shall include the power to pass any order which may be deemed necessary to ensure that the Devasthana and the endowments are properly administered and that the income of the Devasthana and the endowments are duly appropriated.

19. Duty of the Board and Executive Officer to obey orders.— The Board and the Executive Officer shall obey all lawful orders issued under the provisions of this Act by the Commissioner.

20. Inspections.— The Commissioner or any officer deputed by him in this behalf may inspect any movable or immovable property belonging to, and all records, correspondence, plans, accounts and other documents relating to the Devasthana. All officers and servants of the Devasthana shall afford necessary facilities for such inspection.

21. Contribution by the Board.— The Board shall pay to the 'administration fund' vested in the Commissioner every year from out of the funds of the Devasthana a contribution not exceeding eight per cent of the income of the Devasthana calculated in such manner as may be prescribed. If the amount of contribution is not paid within the time prescribed, the Commissioner shall call upon the Executive Officer to pay the amount from the Devasthana funds and thereupon the Executive Officer shall pay the amount.

CHAPTER IV

Audit

22. Audit.— (1) The State Government shall annually appoint an auditor to audit the account of the Devasthana and fix the remuneration which shall be paid to such auditor from the Devasthana funds. The auditor shall send his report to the Commissioner.

(2) The Commissioner shall send a copy of the Audit Report to the Board and it shall be the duty of the Board to remedy, within such time as may be specified by the Commissioner any defects or irregularities pointed out by the auditor and report the same to the Commissioner.

23. Surcharge.—(1) If, on a consideration of the audit report and the report of the Board and the Executive Officer and after such inquiry as may be necessary, the Commissioner considers that the Board or the Executive Officer or any other person has been guilty of irregular, illegal or improper expenditure or has caused loss or waste of money or other property by failure to recover moneys due or other property belonging to the Devasthana or by neglect or misconduct or misapplication or collusion or fraudulent transactions or breach of trust, the Commissioner may, after giving notice to the Board, the Executive Officer or such other person to show cause why an order of surcharge should not be passed against it or him and after considering its or his explanation, if any, by order, certify the amount spent or the amount or value of the property so lost or wasted or the amount of loss caused and direct the members or the Executive Officer or such other person, as the case may be, to pay within a specified time such amount or value personally:

Provided that if, in respect of any expenditure or dealing with the property of the Devasthana, the Board or the Executive Officer or such person had obtained the directions of the Commissioner and had acted in accordance with such directions, it or he shall not be held liable.

(2) The Commissioner shall forward a copy of the order under sub-section (1) with the reasons for the same by registered post to the members of the Board or the Executive Officer or other person concerned.

(3) The members or the Executive Officer or other person aggrieved by any order under sub-section (1) may, within thirty days of the receipt by him of the order—

(a) apply to the court to modify or set aside the order, and the court, after taking such evidence as is necessary may, confirm, modify or remit the surcharge with such orders as to costs as it may think appropriate in the circumstances; or

(b) in lieu of such application appeal to the State Government which shall pass such orders as it thinks fit.

(4) Neither the court nor the State Government to which an application or appeal is made or preferred under sub-section (3) shall have power to stay the operation of the order pending the disposal of the application or appeal.

(5) The Deputy Commissioner of the district in which is situated any property of the person from whom an amount is recoverable by way of surcharge shall, on a requisition made by the Commissioner, recover such amount as if it were an arrear of land revenue and pay the same to the Devasthana.

(6) Where the Commissioner is satisfied that the members or the Executive Officer or any other person with intent to defeat or delay the execution of any order that may be made under sub-section (1),—

(a) is about to dispose of the whole or any part of his property; or

(b) is about to remove the whole or any part of his property from the jurisdiction of the Commissioner, the Commissioner may, unless adequate security is furnished pending the decision of the court or the State Government, apply to the court for a conditional attachment of the said property or such part thereof, as he thinks necessary and the court may pass such order as it deems fit.

CHAPTER V

Special Provisions

24. Modification of certain enactments.—(1) The State Government, may by notification in the official Gazette, direct that any of the provisions of the Mysore Village Panchayats and Local Boards Act, 1959 (Mysore Act No. 10 of 1959) or the Mysore Municipalities Act, 1964 (Mysore Act 22 of 1964) or any other enactment in force in the area of the Devasthana shall apply to that area only to such extent and subject to such modifications and restrictions as may be specified in the notification. In particular, the notification may authorise the Executive Officer or any other officer or authority subject to such control as may be specified in the notification, to perform the duties and exercise the powers assigned to a village panchayat or to a municipal council.

(2) On the issue of a notification under sub-section (1) the area of the Devasthana shall, notwithstanding anything in the enactments mentioned in the said sub-section, be deemed to be a village panchayat or a municipality as the case may be, for purposes of the said enactments and the Executive Officer shall be deemed to be the authority competent to exercise the powers and discharge the duties of the village panchayat or municipal council as the case may be, under the provisions of the said enactments.

(3) The State Government may, by notification in the official Gazette, authorise the Executive Officer to levy tolls in the prescribed manner in respect of any road including ghat road leading to the Devasthana which has been and may hereafter be constructed wholly or partly from the funds of the Devasthana and situated within the area of the Devasthana at such rates and for such period as may be specified in the notification.

(4) The Executive Officer may place the collection of tolls under the management of such persons as may appear to him proper or farm out the same on such terms and conditions as he may think fit.

(5) The provisions of sections 3 to 7 of the Indian Tolls Act, 1851, shall as far as may be, apply to the collection of tolls and the persons under whose management the collection of such tolls may be placed, as well as the persons to whom such collection may be farmed out and their agents and servants shall be deemed to be persons duly authorised to collect the tolls.

CHAPTER VI

Utilisation of Devasthana Funds

25. Utilisation of Devasthana Funds.—The funds of the Devasthana may be utilised for all or any of the following purposes, namely :—

(i) maintenance, management and administration of the Devasthana, the endowments and the properties of the Devasthana ;

(ii) the establishment and maintenance of hospitals and dispensaries for the relief of pilgrims and worshippers visiting the temples ;

(iii) the construction and maintenance of choultries and rest houses for the use and accommodation of the pilgrims, worshippers and visitors ;

(iv) the provision of water-supply and sanitary arrangements to the pilgrims and worshippers and visitors ;

(v) the acquisition of any land or other immovable property for the purpose of the Devasthana if such acquisition is sanctioned by the State Government ;

(vi) the establishment and maintenance of a dairy farm and veterinary hospital for the animals of the Devasthana ;

(vii) the construction and maintenance of roads and communications and the lighting thereof for the convenience of the pilgrims and worshippers ;

(viii) the training of pujaris to perform the religious worship and ceremonies in the Devasthana ;

(ix) propagation of the tenets and philosophy associated with the Devasthana ;

(x) the training of persons belonging to all castes of Hindus who are devotees of the Devasthana, in the performance of religious worship and ceremonies of the Devasthana ;

(xi) any work are undertaking for the purpose of the Devasthana, authorised by the State Government ; and

(xii) any other purpose connected with or incidental to the Devasthana, authorised by thc Stat Government.

26. Other purposes.—(1) The Board may, without prejudice to the provisions of section 25 and with the previous sanction of the Commissioner, order that the surplus funds of the Devasthana may be utilised for,—

(i) the establishment and maintenance of schools and colleges including a college in which special provision is made for the study of the H ndu religion or philosophy or sastras ;

(ii) granting donations to any educational institution in the area of the Devasthana ;

(iii) promoting the study of Sanskrit and other Indian languages and the cultivation of Indian arts and architecture ;

(iv) establishment and maintenance of hospital generally ;

(v) establishment and maintenance of an asylum for those suffering from leprosy ;

(vi) the construction and maintenance or the making of any grant or contribution to any poor home for the physically disabled and helpless or other similar institution in the area of the Devasthana ;

(vii) any charitable or religious purpose not inconsistant with the objects of the Devasthana

(2) The Board may, with the previous sanction of the Commissioner, modify or cancel any order passed under sub-section (1).

(3) The order of the Board under sub-section (1) or sub-section (2) shall be published in the prescribed manner.

(4) Any person having interest may, within three months from the date of publication of the order under sub-section (3) institute a suit in the court to modify or set aside such order and subject to the result of such suit, the order of the Board shall be final.

(5) Any decision of the court under sub-section (4) may, at any time for sufficient cause be modified or cancelled by the court on the application of the Board.

27. Budget.—(1) The Executive Officer shall every year prepare at such time and in such form as may be prescribed a budget of the estimated receipts and expenditure of the Devasthana for the following year and place it before the Board which may approve it without modification or with such modifications as it deems fit.

(2) A copy of the budget passed by the Board shall be forwarded to the Commissioner not less than two months before the end of the year previous to that for which the budget is prepared.

(3) The Commissioner shall satisfy himself that adequate provision has been made in the budget for the prescribed working balance and for meeting of the liabilities of the Devasthana.

(4) Where such adequate provision has not been made in the budget, the Commissioner shall order provision to be made and amend the budget accordingly.

CHAPTER VII

Miscellaneous

28. Application to court.—(1) The Board or the Executive Officer or any other person having interest may institute a suit in the court to obtain a decree,—

(a) vesting any property in the Board; or

(b) declaring what portion of the endowment or of the interest therein shall be allocated to any particular object.

(2) Sections 92 and 93 and Rule 3 of Order 1 of the First Schedule to the Code of Civil Procedure, 1908, shall have no application to any suit claiming any relief in respect of the administration or management of the Devasthana and no suit in respect of the administration or management shall be instituted except as provided by this Act.

29. Possession of Devasthana property.— (1) The Executive Officer shall be entitled to take and be in possession of all the institutions, properties, jewels, records and documents of the Devasthana.

(2) If in obtaining such possession, the Executive Officer is resisted or objected by any person, he may make an application to the court, complaining of such resistence or objection and the court shall, unless it is satisfied that the resistance or objection was occasioned by any person claiming in good faith to be in possession on his own account or by virtue of some right independent of that of the Devasthana, make an order that the Board be put in possession and such order shall, subject to the result of any suit that may be filed to establish the right to the possession of the property, be final.

30. Expenses of suit under section 29.— The costs, charges and expenses of and incidental to any suit or application under sections 28 and 29 shall be in the discretion of the court which may direct the whole or any

part of such costs, charges and expenses to be met from the funds of the Devasthana or to be borne in such manner by such persons as it thinks fit:

Provided that all costs and expenses incurred by the Commissioner, the Board or by the Executive Officer in connection with any legal proceedings required in the interests of the Devasthana shall be payable out of the funds of the Devasthana.

31. Duties of trustees of specific endowments.— Every trustee of a specific endowment shall perform the service or charity therein subject to the general superintendence of the Executive Officer and such orders as he may issue. Such trustee shall be in possession of the specific endowment as he may be entitled to and shall also maintain and submit to the Executive Officer such accounts, registers and returns as the Board may require. The accounts of a specific endowment shall be annually audited by an auditor appointed by the Commissioner. He shall be paid such remuneration from the funds of such endowment as the Commissioner may fix.

32. Limitation Act not to apply.— Nothing contained in the India Limitation Act, 1963 (Central Act 36 of 1963) shall be deemed to vest in any person any property or funds of the Devasthana which had not vested in such person or his predecessor in title before the commencement of this Act.

33. Revision.— The State Government may call for and examine the records of the Commissioner or the Board or the Executive Officer in respect of any proceedings, not being a proceeding in respect of which a suit or an appeal to a court is provided by this Act, to satisfy itself as to the regularity of such proceedings or the correctness, legality or propriety of any decision or order passed therein and if in any case it appears to the State Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration they may pass order accordingly:

Provided that no such order shall be passed without affording the party affected a reasonable opportunity of making his representation.

(2) The State Government may, pending final orders under sub-section (1), stay any order or proceeding proposed to be revised.

34. Encroachments.—(1) Where the Executive Officer is satisfied that any person has encroached on any land or building belonging to the Devasthana which is appurtenant to or adjoining the Devasthana or any sacred tank, well, spring or water cource, whether situated within or outside the precincts thereof, or any space within or outside the prakarams, mantapas, courtyards or corridos of the religious institution, the Executive officer may cause to be served upon the encroacher a notice specifying the particulars of encroachment and calling on him to show cause before a certain date why an order requiring him to remove the encroachment before the date specified in the notice should not be made.

(2) The notice referred to in sub-section (1) shall be served in such manner as may be prescribed.

(3) After considering the objections, if any, of the encroachers, the Executive Officer may, by order, require the encroacher to deliver possession of the land or building encroached upon before the date specified in the order.

(4) The order of the Executive Officer shall be in writing and shall contain the grounds on which he has passed the order.

(5) The person aggrieved by an order under sub-section (4), may within thirty days from the date of receipt by him of such order, prefer an appeal to the Commissioner. The decision of the Commissioner shall be final.

35. Possession of jewels, etc.— Notwithstanding anything contained in any scheme or in any decree or order of a court or any custom or usage to the contrary, no pujari, sevakari or servant of the Devasthana or other person

shall have the right to be in possession of the jewels or other valuables belonging to the Devasthana except under such conditions and safeguards as the Commissioner may, by general or special order direct.

36. Commissioner to sanction compromise for legal proceedings.— No suit, application or appeal pending before a court to which the Devasthana is a party shall be with drawn or compromised by the Board or the Executive Officer except with the previous sanction of the Commissioner.

37. Fixing of standard scale of expenditure.— (1) The Board shall submit to the Commissioner within three months from the date of the commencement of this Act or within such further time as may be allowed by the Commissioner proposals for fixing the "dittam" or scale of expenditure in the Devasthana and the amount which should be allotted to the various objects connected with the Devasthana or the proportions, in which the income or other property of the Devasthana may be applied to such object.

(2) The Board shall publish such proposal at the premises of the Devasthana and in such other manner as may be required by the Commissioner, together with a notice stating that, within one month from the date of such publication, any person having interest may submit objections or suggestions to the Commissioner.

(3) After the expiry of the said period, the Commissioner shall, after considering any objections and suggestions received, pass such order as he may think fit on such proposals, having regard to the established usage of the Devasthana and its financial position and a copy of the order shall be communicated to the Board and Executive Officer. The order of the Commissioner shall be published in the prescribed manner.

(4) The Board and the Execuive Officer shall scrutinise the particulars of the **dittam** or scale of expenditure every three years and submit to the Commissioner proposals for

altering the **dittam** or scale of expenditure and the provisions of sub-sections (2) and (3) shall apply in relation to the alteration of such **dittam** or scale of expenditure as they apply in relation to the fixing of **dittam** or scale of expenditure :

Provided that the Commissioner may, at any time on his own motion, for reasons to be recorded in writing direct the Board and the Executive Officer to alter the **dittam** or scale of expenditure and the procedure for such alteration shall be the same as laid down in this section.

38. Restriction on the disposal of property.— (1) No immovable property belonging to or given or endowed for the purposes of the Devasthana shall be transferred by way of exchange, sale, gift, mortgage or lease for a term exceeding five years except in cases other than a transfer by way of gift with previous sanction of the Commissioner. Before giving such sanction the Commissioner shall satisfy himself that the transfer is necessary or beneficial to the Devasthana.

Explanation.— For purposes of this section, any lease though for a term not exceeding five years shall, if it contains a provision for renewal for a further term so as to exceed five years in the aggregate whether subject to any condition or not be deemed to be a lease for a period exceeding five years.

(2) Any transfer in contravention of the provisions of sub-section (1) shall be null and void and be of no effect.

39. Public officers to furnish copies of or extracts from certain documents.— Notwithstanding anything contained in any law, all public officers having custody of any record, register, report or other documents relating to the Devasthana or any movable or immovable property of the Devasthana shall furnish such copies of or extracts from the same as may be required by the Executive Officer.

40. Request under will for benefit of Devasthana.— (1) Where under any will, a request has been made in favour of the Devasthana, it shall be the duty of the executor under the will to forward a copy thereof to the Executive Officer, where such will has been or is required to be, registered.

(2) No probate of any such will or letters of administration with such will annexed shall be granted by any court unless it is satisfied that a copy of such will has been forward to the Executive Officer as provided by sub-section (1).

41. Obstruction of possession.— (1) If the Board or the Executive Officer is resisted in, or proevnted from, obtaining possession of the Devasthana or of the records, accounts and properties thereof, by a trustee or Board of Trustees dismissed or suspended from office or is otherwise not entitled to be in possession or by any person claiming or deriving title from such trustee, Board of trustee or servant, not being a person claiming in good faith to be in possession on his own account or an account of some person not being such trustee or servant, the Magistrate of the First class in whose jurisdiction such property is situated shall, on application by the person or persons authorised by the Board and where the application is for possession of property, on production of a certificate by the Commissioner in the prescribed form setting forth that the property in question belongs to the Devasthana, direct delivery to the person authorised as aforesaid, of the possession of such religious institution, or the records, accounts and properties thereof, as the case may be :

Provided that before issuing any such certificate in respect of any property the Commissioner shall give notice to the trustee or servant of the religious institution, as the case may be, of his intention to issue the certificate and consider the objections, if any, of such trustee or servant :

Provided further that for the purpose of proceedings under this sub-section, the certificate aforesaid shall be conclusive evidence that the properties to which it relates belong to the Devasthana :

Provided also that nothing contained in this sub-section shall debar the filing of a suit in the court by any person aggrieved by an order under this sub-section, for establishing his title to the said property.

Explanation.— A person claiming under an alienation contrary to the provisions of section 38 shall not be regarded as a person claiming in good faith within the meaning of this sub-section.

(2) The Magistrate acting under sub-section (1) may pending disposal of an application for directing delivery to the person authorised to take possession of the properties mentioned in the certificate by the Commissioner, appoint a Receiver to take possession of such properties or such portion therein as may be necessary. The remuneration, if any paid to the Receiver and other expenses incurred by him shall be paid out of the funds of the Devasthana.

42. Board or Executive Officer not to lend or borrow money without sanction.—Neither the Board nor the Executive Officer shall either lend moneys of, or borrow moneys for the purpose of, or on behalf of, the Devasthana except with the sanction of the Commissioner and subject to such conditions and limitations as may be prescriebd.

43. Removal of discrimination in the distribution of prasada or theertha.—Notwithstanding anything in this Act or in any text, rule or interpretation of Hindu Law or any custom or usage as part of that law or in any other law or in any decree of any court, there shall be no discrimination in the distribution of any prasada or theertha in any institution of the Devasthana on grounds only of caste, sex, place of birth or any of them.

Explanation.—In this section,—

(a) "prasada" means any cooked rice or other eatable, any fruit, flower, leaf, vibhuti, kumkum, tulsi, bilvam, turmerie, sandal paste and includes such other things as the State Government may, by notification, specify.

(b) "theertha" means sacred water, jaggery water or milk and includes such other liquid as the State Government may, by notification, specify.

44. Rules.—(1) The State Government may, by notification published in the official gazette and after previous publication, make rules to carry out all or any of the purposes of the Act.

(2) In particular and without prejudice to the generality of the foregoing power, rules may be made to determine,—

(a) all matters expressly required or allowed by this Act to be prescribed ;

(b) the grant of leave and allowances to and payment of contributions towards the pension of the Executive Officer and other officers appointed by the State Government:

(c) the grant of travelling and daily allowances to the Executive Officer and other officers appointed by the Government ;

(d) the grant of travelling and daily allowances to the members of the Board of Trustees ;

(e) the preparation of the Budget Estimates for the Devasthana ;

(f) the preparation and sanction of the estimates and acceptance of tenders in respect of public works and supplies;

(g) the convening of meetings and the transaction of the business of the Board ;

(h) the audit of the account of the Devasthana and the particulars to be mentioned in the audit report ;

(i) the recovery of amounts payable to auditors appointed by the Government ;

(j) the maintenance and custody of the accounts. records and the documents of the Devasthana ;

(k) the condition of service, discipline and conduct of pujaris and other servants of the Devasthana.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall from the date on which the modification or annulment is notified by the State Government in the official Gazette, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

SCHEDULE

[See section 3 (4)]

A-Temple, buildings and premises in the name of and vesting in Sri Yellamma *alias* Renuka Devasthana.

Sl. No.	*Description of temple and other properties*	*C.T.S No.*	*Area Gs. Yds.*	*Assessment*	*Approximate value*
1	2	3	4	5	6
					Rs.
1.	Sri Renuka (Yellamma) temple with poulis, Bunks and Kerawwa and other deities on the upper portion.	1	22—14	..	25,000
2.	Sri Mallikarjun Temple	85	1—23	...	1,000
3.	Sri Parashuram Temple	193	0—35	..	2,000
4.	Sri Shiddeshwar Cave	194	0—60	...	400
5.	Sri Ganapati Temple	116	0— 2	...	100
6.	Sri Akash Bharam Dev	205	0—26	..	100

1	2	3	4	5	6
7.	Sri Uppanna Basappa Temple	187	0—44	...	100
8.	Sri Jamadagnneshwar Temple	212	1—82	...	2,000
9.	Goshala	213	1—56	...	100
10.	Sri Ganapati Temple	214	0—10	...	50
11.	Sri Hurakellawwa Temple	215	0—06	..	50
12.	Temple's Garden R.S. No. 638 out of this 9-40 0-4-0 only.	197	15—40	0-4-0	5,000
13.	Open space Katta (Panchas Court)	135	0—56	...	500
14.	Shidi-kamba	75	0—40	..	500
15.	Deema-Mala-Kamba (East)	247	0—07	...	100
16.	Do (West)	180	0—04	..	50
17.	Do (South)	117	0—10	...	100
18.	Do (North)	211	0—04	...	50
19.	The Kyadagi-Wan	244	9—12	..	2,000
20.	Shri Parwateshwar Temple	243	0—18	...	100

Properties vesting in the temple as per exchange deed, dated 9th September 1966.

1.	Pattar well and open katta	248	1—84	}	1,800
2.	Flower garden	241	3—60		
3.	Mithai katta part of	183	600 Sq. Ft.		

1	2	3	4	5	
	Properties vesting in the temples as per deed of exchange, dated 28th September 1966.				R
1.	The Hallad-Katta ...	20B	0—26	...	—
2.	Balegar-Katta ..	169	0-38	..	—
3.	Manager-Katti ...	185	0-96	...	—
4.	Mitai-Katta Out of ...	183	489 Sq.Ft	...	—

B-Lands

Sl. No.	Village	R.S. No.	Area	Assessment	Income	Remarks
					Rs.	
1.	Ugargon	549	18—05	29 04 0	325	
2.	Do	562	10—13	17 10 0		
3.	Do	552	18—00	24 07 0	280	
4.	Do	563	11—09	18 04 0	160	
5.	Do	566/1	5—35	8 14 6	75	
6.	Do	84	3—34	6 01 0	75	
7.	Do	112	3—37	6 21 20	125	
8.	Do	184/2A	7—17	9 01 12	700	
9.	Hirekumbi	172	15—12	28 12 0	300	
10.	Do	120/E—3	10—09	19 14 0	120	
11	Do	176/1—2	11—12	18 10 0	175	
12.	Dhaderkop	90/2	8—36	17 11 0	140	
13.	Yadravi	312	8—25	4 14 0	41	
		Block No. C.T.S.		M. Tax		
14.	Yellamma Hills	168	44 Yds.	9—38	325	Open space

STATEMENT OF OBJECTS AND REASONS

Sri Renuka Yellamma Devasthana is situated within the limits of Ugargol village and 3 miles away from the town of Saundathi, Belgaum District. This institution is a public religious Trust registered under the Bombay Public Trusts Act, 1950.

This temple is administered under a scheme framed by the Civil Court in suit No. 318 of 1935. There are two committees managing the affairs of the temple. (1) The Trust Committee and (2) The pilgrims Saundathi Yellamma Municipality Sub-Committee. In the interests of the institution, it has been urged that the administration of the temple should be under one body in order to develop the above temple into a Tourist-*Cum*-Pilgrims Centre, and to

provide better amenities to the pilgrims resorting to this temple. This temple is a popular place of pilgrimage. In order to provide for the better administration and governance of the above temple and for the proper utilisation of funds this Bill is proposed.

FINANCIAL MEMORANDUM

Clause 12 of the Renuka Yellamma Devasthana (Administration) Bill 1973 provides for the appointment by the Government of a salaried Executive Officer and such number of other officers as considered necessary to assist him on such remuneration as may be fixed by Government. The said clause also provides that the Executive Officer and the other officers to be appointed by the State Government shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Provision has been made under clause 25 of the Bill to apply the Funds of the said Devasthan to the maintenance, management and administration of the Devasthanas. The expenditure towards salary of the Executive Officer and other officers work out to Rs. 25,000 per annum and the expected income is about rupees five lakhs per annum.

The Bill does not impose any additional burden on the finances of the State as the expenditure involved in the payment of establishment charges will be met out of the Funds of the Devasthana.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9.—This clause empowers the State Government to prescribe by rules the time and place of the meeting of the Board and also the manner in which the Board may conduct its business.

Clause 10.—This clause empowers the State Government to prescribe by rules the travelling and daily allowance payable to the members of the Board from the funds of the Devasthana.

Clause 11.—This clause empowers the State Government to prescribe by rules subject to which the Board shall exercise its powers and duties.

Clause 12.—This clause empowers the State Government to prescribe by rules the procedure to be followed in imposing punishment on the Executive Officer and other staff.

Clause 13.—Sub-clause (1) of this clause empowers the State Government to prescribe by rules the conditions and restrictions subject to which the powers and duties of the Executive Officer shall be exercised.

Sub-clause (4) of this clause empowers the State Government to prescribe by rules the powers, duties or functions of the Board which may be delegated by the Board to the Executive Officer.

Clause 14.—Sub-clause (1) of this clause empowers the State Government to prescribe by rules the method of appointments of pujaris and other servants.

Sub-clause (2) of this clause empowers the State Government to prescribe by rules the terms and conditions subject to which the powers to punish the pujaris and other servants of the Devasthana shall be exercised and the procedure to be followed for imposing any punishment.

Clause 21.—This clause empowers the State Government to prescribe by rules the manner of calculating the income of the Devasthana.

Clause 24.—Sub-clause (3) of this clause empowers the State Government to prescribe by rules the manner of levy of tolls by the Executive Officer.

Clause 26.—Sub-clause (3) of this clause empowers the State Government to prescribe by rules the manner of publication of the order of the Board under sub-clause (1) or sub-clause (2) of the said clause.

Clause 27.—Sub-clause (1) of this clause empowers the State Government to prescribe by rules the time at which and the form in which the budget of the estimated receipts and expenditure of the Devasthana shall be prepared by the Executive Officer.

Clause 34.—Sub-clause (2) of this clause empowers the State Government to prescribe by rules the manner of serving the notice referred to in sub-clause (1) of the said clause.

Clause 37.—Sub-clause (3) of this clause empowers the State Government to prescribe by rules the manner in which the order of the Commissioner shall be published.

Clause 41.—Sub-clause (1) of this clause empowers the State Government to prescribe by rules the form of certificate to be produced.

Clause 42.—This clause empowers the State Government to prescribe by rules the conditions and limilations subject to which the Board or the Executive Officer may lend or borrow moneys for the purpose of or on behalf of the Devasthana.

Clause 44.—This clause empowers the State Government to make rules subject to the condition of previous publication, to carry out all or any of the purpose of the Act.

The rules made are required to be placed before the Houses of Legislature and are subject to modifications to be made by the Houses of Legislature.

The delegation of the proposed legislative power is of a normal character.

N. HUTCHAMASTHY GOWDA.

Te. Hanumanthappa,
Secretary.